

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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ERIKA MASINGILL-MADSEN,

Plaintiff,

2:22-CV-1766

v.

**DEFENDANTS DEMAND
TRIAL BY JURY**

FODAY TURAY, RYDER TRUCK RENTAL INC.,
RYDER TRANSPORTATION SERVICES, PFG
TRANSCO, INC., KENNETH O. LESTER CO, INC.,
PERFORMANCE FOOD GROUP, INC., JOHN DOE
1-10 and ABC CORP. 1-10 (names being fictitious as true
identities are unknown at this time),

NOTICE OF REMOVAL

Defendants.

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THE JUDGES OF THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF NEW JERSEY

Removing defendants, Foday Turay, PFG Transco, Inc., Kenneth O. Lester Co., Inc., and
Performance Food Group, Inc., as and for their Notice of Removal, by and through their attorneys,
Law Offices of John C. Lane, allege upon information and belief as follows:

1. Plaintiff Erika Masingill-Madsen is a citizen and resident of the Township of Manalapan, State of New Jersey.
2. Plaintiff Erika Masingill-Madsen has commenced an action in the Superior Court of New Jersey, Essex County, against the removing defendants. A true copy of the amended complaint in said action is annexed hereto as **Exhibit A**.
3. The amended complaint alleges that plaintiff Erika Masingill-Madsen was caused to sustain certain injuries and damages as a result of the alleged negligence of defendants on or about December 28, 2020.

4. Defendants Ryder Truck Rental Inc. and Ryder Transportation Services were dismissed from this matter on March 4, 2022. A true copy of the Voluntary Stipulation of Dismissal Without Prejudice is annexed hereto as **Exhibit B**.

5. Removing defendants filed their answer to the amended complaint in the Superior Court of New Jersey, Essex County on March 8, 2022. A true copy of the answer in said action is annexed hereto as **Exhibit C**.

6. Removing defendant Foday Turay is a citizen and resident of the City of New Castle, State of Delaware, a state other than the State of New Jersey.

7. Removing defendant PFG Transco, Inc. is incorporated in , having its principal place of business in , a state other than the State of New Jersey.

8. Removing defendant Kenneth O. Lester Co., Inc. is incorporated in , having its principal place of business in , a state other than the State of New Jersey.

9. Removing defendant Performance Food Group, Inc. is incorporated in , having its principal place of business in , a state other than the State of New Jersey.

10. No defendant is a citizen of the State of New Jersey.

11. On March 21, 2022, defendants' counsel received a written demand for \$1,000,000 from plaintiff's attorney, a copy of which is annexed as **Exhibit D**. Thus, the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

12. Until receipt of plaintiff's attorney's correspondence of March 21, 2022, neither removing defendants nor their counsel had received any monetary demand from plaintiff, either orally or in writing.

13. There is complete diversity between the plaintiff and removing defendants. The amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs. The written

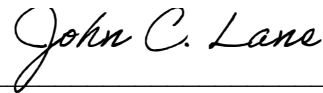
monetary demand was received less than thirty days before the filing of this Notice of Removal.

14. Accordingly, this Honorable Court has subject matter jurisdiction of this action pursuant to 28 U.S.C. § 1332, and removing defendants are entitled to removal of this action pursuant to 28 U.S.C. §§ 1441 and 1446.

WHEREFORE, removing defendants, Foday Turay, PFG Transco, Inc., Kenneth O. Lester Co., Inc., and Performance Food Group, Inc., hereby give notice of the removal of plaintiff's action to this Honorable Court pursuant to 28 U.S.C. §§ 1441 and 1446.

Dated: Sparta, New Jersey
March 30, 2022

Yours, etc.



JOHN C. LANE (JL 2569)
Attorneys for Defendants Foday Turay, PFG Transco,
Inc., Kenneth O. Lester Co., Inc., and Performance
Food Group, Inc.
48 Woodport Road, Suite 1
Sparta, New Jersey 07871
(973) 512-3244
Our File: PFG.2317